

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

10-19-07  
#25  
1030099

CENGAGE LEARNING, INC.	)	
(f/k/a THOMSON LEARNING, INC.)	)	
PEARSON EDUCATION, INC.	)	
JOHN WILEY & SONE, INC., AND	)	
THE MCGRAW-HILL COMPANIES, INC.,	)	
	)	
Plaintiffs,	)	07 Civ. 8540(CM)
	)	
-against-	)	ECF CASE
	)	
BUCKEYE BOOKS,	)	
USED BOOK EXCHANGE,	)	
TEXTBOOKSRUS.COM, LLC, and	)	
PHILIP SMYRES,	)	
	)	
Defendants	)	

**MOTION TO ADMIT COUNSEL PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the local rules of the United States District Court for the Southern and Eastern Districts of New York, I, William A. Simon, a member in good standing of the Bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Neil B. Mooney, Esq.  
Firm Name: The Mooney Law Firm, LLC  
Address: 1911 Capital Circle N.E.  
City/State/Zip: Tallahassee, FL 32308  
Phone Number: 850 893 0670  
Fax Number: 850 391 4228


FILED  
U.S. DISTRICT COURT  
2007 OCT 19 PM 4:15  
S.D. OF N.Y.

Neil B. Mooney is a member in good standing of the Bar of the State of Florida. There are no pending disciplinary proceedings against Neil B. Mooney in any State or Federal Court.

Dated: October 16, 2007

City, State: New York, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "W A Simon", written over a horizontal line.

William A. Simon (WS4604)  
McGarry & Simon  
317 Madison Ave., Suite 1511  
New York, New York 10017  
Ph: (212) 867-1238  
Fax: (212) 867-3243



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	)	
Defendants	)	

**AFFIDAVIT OF WILLIAM A. SIMON IN SUPPORT OF MOTION TO ADMIT**

**COUNSEL PRO HAC VICE**

STATE OF NEW YORK     )  
                                      )ss.:  
COUNTY OF NEW YORK   )

WILLIAM A. SIMON, being duly sworn, hereby deposes and says:

1.     I am counsel for Defendant in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit Neil B. Mooney as counsel pro hac vice to represent Defendants in this matter.
  
2.     I am duly admitted to practice law in the State of New York, and was admitted to practice in 1976. I was also admitted to the Bar of the United States District Court

for the Southern District of New York in 1977, and am in good standing with this Court.

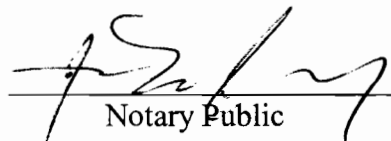
3. I have known Neil B Mooney since October 2007 and have known his family for over 50 years.
4. Neil B. Mooney practices at The Mooney Law Firm, LLC in Tallahassee, Florida.
5. I believe Mr. Mooney to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Neil B. Mooney pro hac vice.
7. I respectfully submit a proposed order granting the admission of Neil B. Mooney, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Neil B. Mooney, pro hac vice, to represent Defendants in the above captioned matter, be granted.



William A. Simon (WS4604)  
McGarry & Simon  
Attorneys for Defendants  
317 Madison Ave., Suite 1511  
New York, New York 10017  
Ph: (212) 867-1238  
Fax: (212) 867-3243

Sworn to before me this  
19<sup>th</sup> day of October, 2007.



Notary Public

JAMES MCGARRY  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02MC4786537  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES 12/31/2009

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PHILIP SMYRES,	)	
	)	
Defendants	)	

**ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION**

Upon the motion of William A. Simon, attorney for Defendants and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name:	Neil B. Mooney, Esq.
Firm Name:	The Mooney Law Firm, LLC
Address:	1911 Capital Circle N.E.
City/State/Zip:	Tallahassee, FL 32308
Telephone/Fax:	850 893 0670/850 391 4228
Email Address:	nmooney@customscourt.com

is admitted to practice pro hac vice as counsel for Defendants in the above captioned case in the United States District Court for the Southern District of New York. All attorneys

appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

City/State:

---

United States District/Magistrate Judge



## The Florida Bar

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 169463  
Neil B. Mooney  
The Mooney Law Firm, LLC  
1911 Capital Cir. NE  
Tallahassee, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on May 25, 1999.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is a member of The Florida Bar in good standing.

Dated this 15<sup>th</sup> day of October, 2007.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/lvm40a:R10



AFFIDAVIT OF SERVICE BY MAIL

[illegible]

MILLICENT A. JOHNSON, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside at Chestnut Ridge, New York.

On October 19, 2007, I served the foregoing Affidavit of William A. Simon In Support of Motion to Admit Counsel Pro Hac Vice upon the following attorney by enclosing a true copy thereof in a postpaid wrapper, properly addressed to the following address:

Aaron Georghiades, Esq.  
c/o Cozen & O'Connor  
909 Third Avenue  
New York, New York 10022

which is the address designated by him for service of papers, and depositing same in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Millicent A. Johnson

Sworn to before me this  
19<sup>th</sup> day of October, 2007.

William C. Senior  
Notary Public

Notary Public

**WILLIAM A. SIMON III**  
**Notary Public, State of New York**  
**No. 02SI4624137**  
**Qualified in New York County**  
**Commission Expires June 30, 2010**